IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2772 OF 2006

Sayyed Mehboob Kadari .. Petitioner

V/s

Government of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO. 2825 OF 2006

Sayyed Ataullah Kadari .. Petitioner

V/s

Government of Maharashtra & Ors. .. Respondents

Mr.G.R. Josh i/b R.M.G. Law Associates for the Petitioners.

Ms. Shobha Ajitkumar for Respondent No.2.

Ms.Kiran Bhagalia for Respondents No.3 and 4.

Mr.R.V. Govilkar for Respondent No.5.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 16TH JANUARY 2007

P.C. :

1. Heard the counsel for the parties.

2. The Petitioners claim to have storage godowns on a parcel of land which is on the bank of Mithi River and

they are supposed to be in the stretch between C.S.T. Bridge at Vakola and Powai Lake. Their grievance is that part of their structures is removed and the land is excavated. This is essentially for the widening of the Mithi River whose water course is to be maintained properly. This has become necessary in view of the floods which took place on 26th July 2005. Respondents No.2 to 4 are taking necessary steps in that behalf in view of the orders passed by this Court in Writ Petition No.2116 of 2005.

3. Grievance of the Petitioners is, as stated above, that part of their structures is removed, land is excavated and they are not being given compensation. It is also their case that whatever has been done is without due process of law. The actions, which have been taken, are in view of urgent requirement. The only thing that we can say is that the Petitioners may produce photocopies of their documents of title to the authority concerned. They should as well make available the originals for inspection. On the authority being satisfied that the Petitioners do have any genuine claim, undoubtedly they are expected to be compensated. The Petitioners may tender the documents and offer inspection within about 2 weeks from today. They should offer them to Respondent No.3 - MRDPA which may forward those documents to whichever is the authority which is

in-charge of the necessary steps. We expect the concerned authority to proceed expeditiously and to see to it that the Petitioners are compensated in accordance with the law.

4. Liberty to the Petitioners to apply in the event of any difficulty.

5. Both the petitions stand disposed of.

ACTING CHIEF JUSTICE

V.M. KANADE, J.